

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-00060-FDW**

DARRELL LO SULLIVAN,

Plaintiff,

v.

**FNU LAMBERT; FNU WILLIAMS;
FNU MOYLE; FNU TUCKER,**

Defendants.

ORDER

THIS MATTER is before the Court on its own motion.

Plaintiff is a prisoner of the State of North Carolina and he filed a pro se complaint pursuant to 42 U.S.C. § 1983, arguing, among other things, that he was subjected to the excessive use of force and that his property was wrongfully taken from him. In the complaint, Plaintiff maintains that he has exhausted his administrative remedies however he has not submitted the Step-Three response from prison officials.

In North Carolina, State prisoners must complete a three-step administrative remedy procedure (ARP) in order to fully exhaust their administrative remedies. See N.C. Gen. Stat. §§ 148-118.1 to 148-118.9 (Article 11A: Corrections Administrative Remedy Procedure); Moore v. Bennette, 517 F.3d 717, 721 (4th Cir. 2008). The Prisoner Litigation Reform Act (PLRA) provides that a prisoner shall exhaust all available administrative remedies prior to filing a § 1983 complaint. See 42 U.S.C. § 1997e(a).

Plaintiff was ordered to file the Step-Three response to Grievance No. 4865-14-1380,¹ or

¹ See (3:15-cv-00060, Doc. No. 1: Compl. at 8).

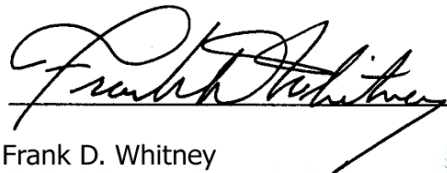
file a verified statement that he is unable to locate the Step-Three response, and Plaintiff was provided up to and including June 15, 2015 to comply with the order. Furthermore, Plaintiff was warned that failure to comply with the order would result in dismissal and without further notice. (Doc. No. 5: Order). Although Plaintiff was provided 14-days to respond it appears that Plaintiff has made no effort to comply with the order.

IT IS, THEREFORE, ORDERED that based on the foregoing, Plaintiff's complaint will be dismissed without prejudice for failure to comply with the Court's June 1, 2015 order. (Doc. No. 5).

The Clerk is directed to close this civil case.

IT IS SO ORDERED.

Signed: July 2, 2015



Frank D. Whitney
Chief United States District Judge

